



**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER
A "PRIOR" PATENT**

Attorney Docket No.: INK-022CN2
Application of: Albert, et al.
Serial No.: 09/896,546
Filed: 6/29/2001
For: Retroreflective electrophoretic displays and
materials for making the same

The owner, E Ink Corporation, of the entire interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patents Nos. 6,249,271 and 6,262,706, as the terms of said prior patents are defined in 35 U.S.C. 154 and 173, and as the terms of said prior patents are presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patents, "as the term of said prior patents are presently shortened by any terminal disclaimer," in the event that said prior patents later:

- expire for failure to pay a maintenance fee;
- are held unenforceable;
- are found invalid by a court of competent jurisdiction;
- are statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- have all claims canceled by a reexamination certificate;
- are reissued; or
- are in any manner terminated prior to the expiration of their full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney or agent of record. Reg. No. 29629

David J. Cole

Signature

March 30, 2005

Date

David J. Cole

Typed or printed name

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